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Convention on the Rights of the Child

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**Committee on the Rights of the Child**
**Seventy-seventh session**

**Summary record of the 2269th meeting***
Held at the Palais Wilson, Geneva, on Thursday, 25 January 2018, at 9 a.m.

*Chair*: Ms. Winter

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*Second periodic report of Palau*

* No summary records were issued for the 2266th to 2268th meetings.

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*The meeting was called to order at 9 a.m.*

**Consideration of reports of States parties** (*continued*)

*Second periodic report of Palau* (CRC/C/PLW/2; CRC/C/PLW/Q/2 and CRC/C/PLW/Q/2/Add.1)

1. *At the invitation of the Chair, the delegation of Palau joined the meeting via video link.*

2. **Ms. Temengil** (Palau) said that the Government welcomed the opportunity to engage in a dialogue with the Committee and would value the recommendations made by it, in particular those relating to such emerging issues as the effects of climate change and disasters on children's rights. Some of the challenges facing the country were complex and required extensive support, for example human trafficking, migrant issues and displacement and loss of land, property and homes due to climate change. Despite such challenges and the limited resources available to it as a small island developing State, the Government continued to prioritize the protection of the country's children.

3. Significant progress had been made since the Government had last reported to the Committee. Legislation had been enacted to provide for free, compulsory public education for all children aged 6 to 17 years, or until graduation from secondary school, and to provide protection for children who were subjected to abuse or neglect. Higher penalties had been introduced to deter human trafficking and the sexual exploitation of children. A task force on human trafficking, made up of representatives of government institutions and civil society and chaired by the Attorney General, addressed child-protection issues; it had established a temporary shelter for victims. The Family Protection Act had been enacted in order to protect women, children and families from violence; resources had been dedicated to its implementation, including for the training of law enforcement personnel.

4. As part of continued efforts to improve juvenile justice, a number of bodies, including the Office of the Attorney General, the Supreme Court and the Court of Common Pleas, had entered into a memorandum of understanding to expedite juvenile justice cases, coordinate optimum plans for young offenders, and improve inter-agency communication and coordination.

5. The amended Penal Code regulated the use of force against children and provided for protection for children from criminal predatory actions such as the promotion of pornography for minors. Furthermore, the Office of the Attorney General and the Bureau of Public Safety had created a sex-offender registry and were working on its implementation.

6. The Palau Education Master Plan 2017–2026, which promoted student-centred learning, emphasized a holistic approach aimed at educating the whole child — mind, body and heart. Among other measures, the special education programme had been strengthened to better accommodate students with special needs. School lunches were free and the school cafeteria menu had been updated to promote healthy eating habits and help fight obesity. Public school transportation was also free, and dental and health care, including immunization, was provided to all schoolchildren.

7. Palau was faced with many challenges as it developed as a young nation. Prominent among those was climate change, the effects of which on access to food, water and property would be felt by all members of the population, most especially children. International cooperation would play a critical role in dealing with that and other human rights priorities.

8. **Mr. Nelson** (Country Rapporteur) said that the presence of both a minister and a senator on the delegation was a positive sign of the State party's engagement. He would like to know whether legislation had been enacted to implement the Convention, as had been recommended under the Palau Child Protection Baseline Research Project, and, if not, when legislative action in that regard was expected. He would also like to hear about the progress made in acting on the recommendation to review the Juvenile Act to ensure its conformity with the Convention. He wondered whether there was a national body which was responsible for coordinating the implementation of the Convention.

9. Budget allocations in the areas of social welfare, health and education had increased. It would be useful to learn what proportion of such allocations was dedicated to children, particularly those with disabilities and those living on remote islands. The Committee would be interested to hear about plans to start collecting data disaggregated by such categories as domestic violence and sexual abuse and about the country's data-collection systems in general. It would also be helpful to know whether there was a person within the Office of the Ombudsman or some other body responsible for monitoring children's rights and receiving children's complaints regarding the violation of their rights. In that connection, it would be useful to have an account of how children learned about their rights. In addition, the Committee would welcome information on helplines for child victims of abuse and neglect.

10. Although the State party had accepted a universal periodic review recommendation to prohibit corporal punishment, there still existed no legislation to that effect. He would appreciate details on plans to enact such legislation; on whether the legal defence of being able to use force to discipline children would be repealed; and on any campaigns or other measures to raise awareness of ways of disciplining children other than hitting them. In addition, he wished to know whether child victims of abuse or neglect had access to any helplines and, if so, how such services were funded.

11. The Committee would welcome information on accessibility to public buildings and public services, such as public transport and toilets, for children with disabilities, and on whether there were any measures designed to support the families of children with disabilities. He would like to know whether the existence of the special education programme mentioned in the State party report (CRC/C/PLW/2) meant that there was no inclusive education in Palau and that children with disabilities had to undergo education in a special school. He asked whether teachers and other school professionals who worked with children with disabilities had received training in that regard. Lastly, he would appreciate information on the health-care services available for children with disabilities in rural areas and outer islands.

12. **The Chair** (Country Rapporteur) said that, as children were apparently not traditionally called upon to participate in family decisions or other similar processes, she wished to know whether there were any plans to raise awareness of children's right to be heard. She wondered whether the delegation could elaborate on review measures related to the family court. Noting that under the formal adoption system in place in the country children aged 12 years or older were required to consent to their adoption, she wished to know whether children aged under 12 were consulted in that connection. It would be helpful to learn whether judges were properly prepared to hear adoption cases involving children under the age of 12 years.

13. She asked why children who were born to foreign parents in the State party and who were adopted by citizens of Palau were not recognized as citizens. Was there any procedure whereby they might obtain citizenship? She also enquired about safeguards for local children who were adopted by non-citizens. Did they remain citizens of Palau or did they acquire the citizenship of their adoptive parents?

14. Information would be appreciated on the legal safeguards and procedures in place for monitoring adoptive families, including extended families. The Committee had been informed that extended families occasionally refused to provide care for children who were victims or witnesses of domestic violence. She would like to know what formal arrangements were in place for such children, particularly in areas where there were no safe houses.

15. She would welcome information regarding services for child victims of sexual exploitation. She noted that the new Penal Code criminalized trafficking for sexual purposes and forced labour. The Committee had been informed, however, that investigations were not conducted with sufficient vigour to ensure the prosecution and adequate sentencing of perpetrators. Sentences were imposed for related issues but not for trafficking owing to the lack of sufficient evidence. She would therefore like to know what training was provided to promote more effective investigations.

16. She asked why children between the ages of 10 and 14 years could be held criminally responsible for the crimes of murder and rape and not for less serious offences. Was the State party willing to raise the age of criminal responsibility to at least 12 or 14? Lastly, she would like to know what alternatives to custody there were for children in conflict with the law.

17. **Ms. Ayoubi Idrissi** said that she would like to know whether civil society, including children, had been involved in drafting the State party's report. The economy of Palau depended to a large extent on the tourism industry. She asked whether the State party had considered the possibility of developing a code of conduct for the industry in order to protect children from the risks of sexual abuse and labour exploitation. She would also like to know whether the private business sector was directly or indirectly involved in the promotion and protection of children's rights.

18. **Ms. Otani** noted that there had been an initiative to amend article 3 (4) of the Constitution but that no amendment had yet been adopted. She said that she would welcome information on whether any fresh initiative had been launched and whether any legislative measures had been taken to ensure that children of parents who were not citizens of Palau had equal access to health, education and social services.

19. She was pleased to note that the National Committee on Human Rights had taken note of recommendations contained in the report of the Kaleidoscope Human Rights Foundation concerning the protection of children against discrimination on grounds of sexual orientation and gender identity. She asked whether the State party had taken or planned to take action to address the issue. Information would be appreciated on whether girls and children with disabilities enjoyed equal access to education, health care, employment and a decent standard of living.

20. She commended the active involvement of children in addressing conservation and environmental issues. As the Palau National Youth Congress reportedly played a key role in such activities, she asked whether it could rely on adequate support and resources. She would welcome information about awareness-raising campaigns to ensure that children's views were respected in the family, the education system and local communities. She also wished to know whether the State party planned to develop a mechanism for the systematic involvement of children in administrative and judicial procedures.

21. She asked which Government body was responsible for the development of policies on child protection and for monitoring the relevant services. What was the role, for instance, of the Bureau of Public Safety and was it provided with sufficient financial resources and staff? She asked whether inter-agency arrangements for child protection were proving effective.

22. **Ms. Khazova** noted that the marriageable age for girls was 16 years, with the consent of one parent. She said that she would like to know whether the State party planned to raise the marriageable age to 18 years for both boys and girls in order to meet its obligations under the Convention.

23. Noting that the principle of the best interests of the child was recognized in the Palau National Code, she asked whether the courts applied that principle when considering cases involving, for instance, divorce, separation and child removal, and whether relevant assessment criteria had been developed. She also wished to know whether the principle of the child's best interests was a paramount consideration in adoption cases.

24. She would like to know the reasons for the low enrolment ratio of girls in primary education and asked whether appropriate measures were being taken to remedy the situation. Noting that diverse measures were being taken to prevent dropout, especially at the secondary level, she asked whether steps were being taken to make education more appealing and to alert students to the benefits of remaining in the education system. She asked whether the low level of education of schoolteachers was due to low salaries or a shortage of effective teacher training institutions.

25. **Ms. Todorova** noted that the State party recognized that the Constitution adopted a restrictive approach to the question of nationality. She said that application of the principle of origin as a ground for acquisition of nationality could render children born to non-

citizens within the territory of Palau stateless if they were unable to acquire their parents' nationality. Such situations might arise, for instance, in the case of asylum seekers. She asked what measures were contemplated to ensure that all children acquired a nationality at birth if they would otherwise be stateless.

*The meeting was suspended at 9.55 a.m. and resumed at 10.20 a.m.*

26. **Mr. Nelson** said that he would like to know about action to address illnesses such as bronchitis, urinary infections and gastroenteritis among children. There seemed to be a shortage of health-care workers, particularly dentists, in the State party. Were any measures being taken to remedy such shortages, especially in rural communities? He asked whether there was a national mental health policy to address teenage suicide and depression; whether sexual and reproductive health was included in school curricula; and whether information and services were available, especially to teenage girls, on sexually transmitted diseases and birth control.

27. He asked whether the State party was considering the possibility of decriminalizing abortion in cases of rape and incest. The Substance Abuse Strategic Plan had covered the period up to 2011. He asked whether it had been extended and enquired about efforts to target the high rate of marijuana and alcohol abuse in schools. Information would be welcome on whether the State party's schools raised awareness of action to be taken during natural disasters such as hurricanes and floods, especially on behalf of children with disabilities.

28. **Ms. Temengil** (Palau) said that a memorandum of understanding on first responder protocols and procedures had been signed under the Family Protection Act between the Bureau of Public Safety, the Court of Common Pleas, the Ministry of Justice, the Ministry of Health and the Ministry of Community and Cultural Affairs. Steps had been taken to raise awareness of helplines that were available throughout the country, in particular for women and children seeking protection under the Act. The Bureau of Public Safety had been provided with support for translation of temporary restraining orders from English into Palau and for issuing copies to police officers, perpetrators and victims. The Palau National Congress had allocated budgetary funds for the implementation of the Family Protection Act.

29. The Government accorded priority to children's rights, and cross-sectoral responsibility was assigned to all ministries, communities, the Council of Chiefs, the Council of Women and civil society organizations. Since 2014, between 25 and 30 per cent of the budget had been allocated to areas such as education, health care, nutrition and transport for all children, including children with disabilities. Transport arrangements were provided to ensure that all children, especially in remote areas, were able to attend school. Health-care services were also provided for children in outlying states.

30. The Ministry of Finance and the Bureau of Public Safety had been working with other ministries and in collaboration with the United Nations Children's Fund (UNICEF) to promote the collection of disaggregated data. Reports would shortly be published and shared. The results would doubtless help to improve the country's policies. A school handbook on children's rights had been produced. There was also a handbook on the Family Protection Act that provided information on helplines, the rights of women and children, legal proceedings and procedures for implementation of the Act.

31. When Palau had begun to implement the Convention in 1997, it had launched a major awareness-raising campaign on its initial report. Such campaigns had been run at the time by the Ministry of Health. They were now run by the Ministry of Community and Cultural Affairs. Legislation had been proposed to require private businesses to provide access for persons with disabilities. It would hopefully be adopted in due course by the National Congress.

32. **Mr. Nelson** said that the replies to the list of issues (CRC/C/PLW/Q/2/Add.1) had mentioned a bill to implement the Convention. He enquired about the status of the bill and asked whether it was a separate piece of legislation from the Family Protection Act.

33. **Ms. Temengil** (Palau) said that they were two separate pieces of legislation.

34. **Ms. Sengebau-Senior** (Palau) said that the Convention had been ratified by the Palau National Congress. The State was therefore required to enforce its provisions. The Family Protection Act had been adopted in 2012, primarily with a view to combating domestic violence and child and spouse abuse. Anyone falling within the definition of a household member could seek a temporary restraining order from the court at all times.

35. **Ms. Temengil** (Palau) said that the Government was working with civil society organizations to raise awareness of the need for improved access to transport and public spaces for persons with disabilities. A policy on the implementation of the Convention on the Rights of Persons with Disabilities had also been developed.

36. In order to allow children an opportunity to participate in public life, the Government set essay-writing challenges to celebrate national events, in which children could write about national policies applicable to them. Children and young people had contributed to the development of the National Youth Policy, and, through schools and civil society organizations, they helped set priorities for sustainable development, climate change and gender equality. In addition, Congress and the courts held mock sessions in which children could participate.

37. **Ms. Sengebau-Senior** (Palau) said that the Convention was enforceable in Palau, as a court had recently ruled that ratified treaties had the same effect as domestic laws. With regard to the legislation applicable to juveniles, no review had yet been conducted.

38. Concerning the rules on citizenship, an individual was eligible if he or she had recognized ancestry or blood relatives who were nationals of Palau. Consequently, children born to non-nationals who were adopted by nationals were not eligible for citizenship. An amendment to the Constitution had been proposed in 2005 in order to rectify the situation, but it had been rejected. With regard to the minimum age for marriage, legislation was under consideration to raise it to 18 years for girls, in order to bring it into line with that for boys.

39. Under Title No. 21 of the Palau National Code on domestic relations, the best interests of the child must be taken into account in adoption and divorce cases. While children aged 12 or older could express their views directly in court, children under the age of 12 were referred for assessment to a psychiatrist and a social worker who would produce a report, based on which the court would determine the child's best interests.

40. Palau did not yet have a code of conduct for tourism. A proposed constitutional amendment legalizing same-sex marriage had been rejected. Efforts would be made to address both those issues.

41. Although Palau did not have legislation that explicitly prohibited corporal punishment in all settings, it was prohibited in schools. Furthermore, the Family Protection Act banned assault in all forms and provided that force might be used against a child only to prevent the child from committing suicide or causing himself or herself harm.

42. In April 2013, the Criminal Code had been amended to repeal the provisions that set the minimum age of criminal responsibility at 10 years. As part of the special procedures for children under the age of 18 who were accused of committing an offence, all hearings were held during closed sessions, and a juvenile diversion programme had been instituted, which allowed judges to hand down deferred sentences.

43. **The Chair** asked what the minimum age of criminal responsibility now was and whether it was the same for all offences.

44. **Ms. Sengebau-Senior** (Palau) said that the minimum age of criminal responsibility had been raised to 14 years.

45. Palau did not yet have any services to support child victims of trafficking and exploitation. The Government was looking at the examples provided by other Pacific Island nations with regard to the establishment of a national human rights institution that would help to ensure the proper implementation of relevant conventions.

46. **Ms. Temengil** (Palau) said that education institutions provided preventive health-care services to combat diseases such as bronchitis and urinary tract infections. Specialist

services for adolescent girls, including pregnancy care and prevention, were also provided. In addition, the Ministry of Health had increased the number of training opportunities for nurses, particularly those working in rural areas.

47. **Mr. Mechol** (Palau) said that the term "special education" was a synonym for inclusive education. The name had been inherited from the mechanism run by the United States Government under which Palau received funding for such services. The special education programme provided access to additional services and support, including transport, for children with disabilities and helped teachers to adapt lessons and use assistive devices. Special education teachers were trained together with other teachers, and children with disabilities were taught in separate facilities only if their disability prevented them from joining mainstream education. Children with physical disabilities were eligible for the programme upon presentation of a doctor's note, whereas children with invisible disabilities were assessed to determine their eligibility. The programme was open to children, young persons in education between the ages of 3 and 21 and had an annual budget of US$ 1 million.

48. Education services were provided in outlying islands. For example, on three of the most remote islands, the Ministry of Education operated three schools with a total enrolment of 20 students, who were taught in multigrade classrooms by two full-time teachers. The schools were inspected on a quarterly basis. In addition, although the national school enrolment level for girls appeared low, it reflected the sex ratio of the general population. Gender parity had in fact been achieved at primary school level.

49. In order to make school more appealing to students, high schools also offered technical vocational courses and workplace learning activities. Furthermore, through the dual enrolment programme at Palau Community College, high-achieving students could start taking college-level courses while still at high school.

50. The Ministry of Education was working with teachers to encourage their professional development and help them achieve better qualifications. The Education Master Plan for 2017–2026 included the target of ensuring that at least half of all teachers held bachelor-level qualifications. A professional development certification for teachers was also being developed.

51. From grade 6 to grade 10, the health curriculum covered sexual and reproductive health education, including modules on pregnancy prevention for grades 7 to 10. The Ministry of Health and the Ministry of Justice were also running school outreach programmes to combat drug and alcohol abuse.

52. The Ministry of Education was working with the International Organization for Migration and other domestic institutions to help schools develop and implement emergency evacuation plans. Regular emergency drills were also held in schools.

53. **Ms. Otani** said that she wished to know whether children under 12 could be cross-examined in court. She also wondered whether the Government planned to take legislative measures to prevent discrimination against children on the grounds of sexual orientation and gender identity.

54. **Ms. Aho Assouma** said that she would like to know whether the State party was taking steps to address drug addiction among children and what it was doing to prevent children from chewing betel nut, which was carcinogenic, and to provide support for those who were addicted to the habit. Noting the lack of any formal social care structure for children who had been subjected to ill-treatment, she wished to know whether the practice of entrusting such children to maternal uncles continued and, if so, how those uncles met their needs.

55. **Mr. Cardona Llorens** said that he would be interested to know whether any particular mechanisms were in place to deal with children under the age of 14 who committed a serious offence. He would also like to know whether child offenders aged from 14 to 18 years were ever deprived of their liberty and, if so, where they were held.

56. **Mr. Nelson** said that he would welcome an answer to his question on the Substance Abuse Strategic Plan, specifically whether it would be renewed or replaced. He would also

be grateful to know whether public buildings were required to be accessible to persons with disabilities. Lastly, he wondered whether the Government provided any non-financial support to the families of children with disabilities, such as free medication or mobility aids.

57. **Ms. Temengil** (Palau) said that consideration would be given to including measures to adapt buildings to persons with disabilities in legislation on the building code currently before the National Congress. The Government subsidized the hospital and medication fees of persons with disabilities as well as the utility bills of low-income families. It had also collaborated with civil society partners to provide 50 wheelchairs to persons with disabilities.

58. **Ms. Sengebau-Senior** (Palau) said that the Constitution prohibited discrimination on a number of grounds but not sexual orientation or gender identity. The delegation had noted the Committee's comments in that regard. A child's right to be heard was guaranteed in adoption and divorce proceedings so that the court could accurately assess his or her best interests. Children who were charged with criminal offences were represented by a public defender. Children under 14 years who were charged with, for example, underage alcohol consumption were summoned to court with their parents and, if found guilty, could be given deferred sentences or enrolled in tailored juvenile diversion programmes. Koror jail had a designated area for juvenile offenders. However, there were currently no children detained there, an indication that custodial sentences were handed down as a last resort.

59. **Ms. Temengil** (Palau) said that the Government had launched a campaign to raise awareness of alcohol, tobacco and drug addiction and was engaging with schools in that regard. There was also a programme to address the dangers of betel nut chewing.

60. It was the tradition in Palau for children to be raised by their community or clan as a whole, in which respect maternal uncles played a particularly important role. That arrangement provided ongoing support for children in difficulty.

61. **Mr. Mechol** (Palau) said that the Government had made access to alcohol and tobacco products more restrictive for youth and had raised the minimum legal age for their use to 21 years. Schools referred pupils affected by drug abuse to social workers. Psychiatrists from the Division of Behavioural Health also worked with and helped to rehabilitate such children.

62. **Ms. Temengil** (Palau) said that recommendations made by a special task force under the Ministry of Justice for stronger penalties, including imprisonment, for persons importing or dealing in drugs were due to be presented to Congress. In addition, the President had recently established the Narcotics Enforcement Agency to combat drug use.

63. **Mr. Nelson** said that he would be interested to know whether Palau might consider establishing a drug and alcohol court, in particular for young people, along the lines of those that had been implemented in several other countries. He would also welcome an answer to his question on whether the Government would consider decriminalizing abortion in cases of rape and incest.

64. **Ms. Aho Assouma** asked whether the State party had a programme or strategy to prevent tobacco advertising.

65. **Ms. Temengil** (Palau) said that her delegation had taken note of the comment regarding drug and alcohol courts and would bring it to the attention of the relevant authorities. A plan had been drawn up for a tobacco consumption strategy, a copy of which would be provided to the Committee.

66. **Ms. Sengebau-Senior** (Palau) said that the delegation would verify the status of abortion under the Criminal Code. It had duly noted the Committee's comment in that regard.

67. **The Chair** said that she wished to thank the delegation for the open and frank dialogue it had had with the Committee. The concluding observations would give due consideration to the State party's traditions and specific circumstances.

68. **Ms. Temengil** (Palau) said that her Government greatly appreciated the opportunity to engage with the Committee and looked forward to receiving its recommendations. It

would continue to learn from best practices and strive to develop policies that met international standards. With financial and technical support from its international partners, the Government would continue to analyse and amend its legislation in order to ensure the protection of children's rights. Lastly, she was grateful to the Committee for its efforts to enable the delegation to present its report remotely via video link, particularly given the limited resources of Palau.

*The meeting rose at 11.45 a.m.*